

DOCKET NO. NNH-CV-16-6061094

SUPERIOR COURT

DEBORAH CRAVEN

J.D. OF NEW HAVEN

v.

AT NEW HAVEN

YALE NEW HAVEN HOSPITAL, et al

FEBRUARY 24, 2017

ANSWER OF DEFENDANT
YALE NEW HAVEN HOSPITAL

The defendant, Yale New Haven Hospital, hereby answers the plaintiff's Second Amended Complaint dated May 2, 2016.

COUNT ONE

1. Paragraph 1 is admitted insofar as Yale New Haven Hospital employees provide medical services to patients at Yale New Haven Hospital; Yale University employs certain healthcare providers; and the Yale University School of Medicine is one of the schools which comprise Yale University. the defendant does not have knowledge or information sufficient to form a belief as to the truth of the allegations and therefore leaves the plaintiff to her proof (hereinafter "left to her proof").

2. As to Paragraph 2, the plaintiff is left to her proof.

3. So much of Paragraph 3 alleging that Anthony Kim, M.D. and Ricardo Quarrie, M.D. were physicians licensed in the State of Connecticut with offices in New Haven, Connecticut is admitted; as to the remaining allegations of Paragraph 3, the plaintiff is left to her proof.

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4. Paragraph 4 is denied as alleged; except that it is admitted that the plaintiff was admitted to and received treatment from Hospital employees and Yale University employees at Yale New Haven Hospital on the dates documented in her hospital records.

5. As to Paragraph 5, the plaintiff is left to her proof.

6. So much of Paragraph 6 alleging that the plaintiff was admitted to Yale New Haven Hospital on May 18, 2015; that she underwent surgery by Dr. Kim on that day; and that she received the treatment documented in her hospital records is admitted; as to the remaining allegations of Paragraph 6, the plaintiff is left to her proof.

7. So much of Paragraph 7 alleging that small metal coils were placed in the tissue to mark the surgical area is admitted; so much of Paragraph 7 alleging that the coils were placed into the rib bone is denied; so much of Paragraph 7 alleging that the plaintiff was admitted to and received treatment at Yale New Haven Hospital on the dates documented in her hospital records is admitted; as to the remaining allegations of Paragraph 7, the plaintiff is left to her proof.

8. So much of Paragraph 8 alleging that the plaintiff's rib was removed during the May 18, 2015 surgical procedure is denied; so much of Paragraph 8 alleging that a portion of her right 7th rib was resected is admitted; so much of Paragraph 8 alleging that the plaintiff was admitted to and received treatment at Yale New Haven Hospital on the dates documented in her hospital records is admitted; as to the remaining allegations of Paragraph 8, the plaintiff is left to her proof.

9. Paragraph 9 is admitted insofar as it alleges that, during the May 18, 2015 surgical procedure, a portion of the plaintiff's right 7th rib was resected by Dr. Kim instead of a portion of the immediately adjacent right 8th rib; so much of Paragraph 9 alleging that a post-op chest x-ray demonstrated the resection of a portion of the right 7th rib and the presence of the small metal coils in the tissue is admitted; so much of Paragraph 9 alleging that the plaintiff was admitted to and received treatment at Yale New Haven Hospital on the dates documented in her hospital records is admitted; as to the remaining allegations of Paragraph 9, the plaintiff is left to her proof.

10. So much of Paragraph 10 alleging that Dr. Kim learned that a post-op chest x-ray showed that he had resected a portion of the right 7th rib instead of the right 8th rib during the May 18, 2015 procedure and thereafter he informed the plaintiff of that surgical result is admitted; so much of Paragraph 10 alleging that the small marking coils placed for the May 18, 2015 surgery were removed during the plaintiff's second resection procedure that occurred on May 19, 2015 is admitted; as to the remaining allegations of Paragraph 10, the plaintiff is left to her proof.

11. Paragraph 11 is denied as alleged because Dr. Kim informed the plaintiff that he had resected a portion of her right 7th rib instead of a portion of the immediately adjacent right 8th rib and in that conversation, the plaintiff consented to having Dr. Kim perform a second procedure through the initial incision to resect a portion of the right 8th rib; as to any remaining allegations of Paragraph 11, the plaintiff is left to her proof.

12. So much of Paragraph 12 alleging that Dr. Kim performed a resection procedure through the initial incision on the plaintiff's right 8th rib on May 19, 2015 and that the small marking coils were removed at that time is admitted; as to the remaining allegations of Paragraph 12, the plaintiff is left to her proof.

13. So much of Paragraph 13 alleging that the plaintiff's right 7th rib was mistakenly resected instead of the right 8th rib on May 18, 2015 is admitted; as to the remaining allegations of Paragraph 13, the plaintiff is left to her proof.

14. So much of Paragraph 14 alleging that the plaintiff underwent a second rib resection on May 19, 2015 due to the mistaken resection of her right 7th rib on May 18, 2015 is admitted; as to the remaining allegations of Paragraph 14, the plaintiff is left to her proof.

15. As to Paragraph 15, as alleged, the plaintiff is left to her proof.

16. As to Paragraph 16, as alleged, the plaintiff is left to her proof.

COUNT TWO

1.-12. The defendant's answers to Paragraphs 1 through 12 of Count One are hereby incorporated as and made its answers to Paragraphs 1 through 12 of Count Two.

13. As to Paragraph 13, the plaintiff is left to her proof.

14. As to Paragraph 14, the plaintiff is left to her proof.

15. Paragraph 15 is denied.

16. Paragraph 16 is denied.

17. Paragraph 17 is denied.

18. Paragraph 18 is denied.

THE DEFENDANT,
YALE-NEW HAVEN HOSPITAL

/s/ Michael G. Durham
By _____
MICHAEL G. DURHAM
DONAHUE, DURHAM & NOONAN, P.C.

CERTIFICATION

This is to certify that on the above written date, a copy of the foregoing was either sent via email, facsimile transmission, mailed, postpaid or hand delivered to the following counsel of record:

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